

Jonathan M. Radmacher, OSB No. 924314

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Of Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

THREE PINE ONE, LLC,

Plaintiff,

v.

GENERAL SERVICES ADMINISTRATION
OF THE UNITED STATES OF AMERICA,

Defendant.

Case No. 3:19-cv-1786

COMPLAINT

Plaintiff Three Pine One, LLC ("Three Pine One") by and through its counsel, brings this action against Defendant General Services Administration of the United States of America ("GSA") to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). Three Pine One therefore alleges as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

PARTIES

3. Plaintiff Three Pine One is an Oregon limited liability company, with its principal place of business in Oregon.

4. Defendant GSA is an independent agency of the Executive Branch of the United States Government.

STATEMENT OF FACTS

5. A dispute between Three Pine One as claimant and Mt Hood Champion, LLC is currently pending before the Arbitration Service of Portland, entitled *Three Pine One, LLC v. Mt Hood Champion, LLC*; Case No. 190726 ("Portland Arbitration").

6. The Portland Arbitration concerns a dispute between the "Buyer" (Mt Hood Champion, LLC) and the "Seller" (Three Pine One) of property located at 16400 Champion Way, Sandy, Oregon (the "Property"). Since 1995, the Property has been leased by GSA to house the U.S. Forest Service's headquarters for the Mt. Hood National Forest.

7. GSA previously entered into a lease with Seller/Three Pine One. The end of the lease term was scheduled to terminate on October 31, 2019, pursuant to the terms of their lease agreement ("Old Lease"). The Old Lease was assigned from Seller/Three Pine One to Buyer/Mt Hood Champion.

8. GSA entered into a new lease with Buyer in February of 2019 ("New Lease"). GSA attempted to terminate its Old Lease with Seller/Three Pine One in May of 2019.

9. Buyer and Seller/Three Pine One agreed that if GSA terminated its Old Lease before October 31, 2019, the end of the lease term, Buyer would be entitled to holdback funds in the amount of \$638,838.00 (the "Escrow Holdback Agreement").

10. As a result of GSA's attempt to terminate the Old Lease with Seller/Three Pine One, Buyer has claimed that the holdback funds should be released to it pursuant to the Escrow Holdback Agreement.

11. On May 29, 2019, Three Pine One submitted a FOIA request to the U.S. Forest Service. Three Pine One's FOIA request is attached hereto and incorporated herein as Exhibit 1. In that request, Three Pine One requested: "copies of (1) agreements entered into with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease." ("FOIA Request").

12. The records requested in the FOIA Request raise questions about how GSA spends government money to lease buildings from private entities, whether the negotiation process between GSA and private entities is fair and impartial, and whether GSA and Buyer/Mt Hood Champion, LLC, colluded to terminate the Old Lease and improperly obtain the escrow holdback funds pursuant to the Escrow Holdback Agreement. The records sought by Three Pine One in its FOIA Request raise questions about the role of GSA in private business transactions.

13. GSA acknowledged the FOIA Request on June 3, 2019. GSA did not respond within the 20-day statutory deadline for a response. On July 10, 2019, GSA responded to Three Pine One's FOIA Request. GSA's partial denial letter responding to the FOIA Request is attached hereto and incorporated herein as Exhibit 2 ("FOIA Request Partial Denial"). Although GSA provided some responsive documents, GSA failed to provide the requested negotiations between Buyer (and counsel) and the Forest Service/GSA.

14. In response to Three Pine One's FOIA Request "GSA withheld confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4)." [Exhibit 2, pg. 1]. GSA also withheld "portions of the responsive records which reflect the agency's deliberative process, are considered pre-decisional in nature and/or attorney-client privileged communications

[...]." [Exhibit 2, pg. 2]. "GSA also withheld a Price Negotiation Memorandum that contained responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5)." [Exhibit 2, pg. 2]. The FOIA Request Partial Denial was therefore a partial denial of the FOIA Request. [Exhibit 2, pg. 2]. The FOIA Request Partial Denial letter instructed Three Pine One to contact Mr. Eric Shreves of GSA with any questions.

15. To address the issue, counsel for Three Pine One contacted Mr. Eric Shreves of GSA on August 9, 2019 via email. Counsel pointed out to Mr. Eric Shreves that "[w]hile the documents produced (redacted) seem to encompass the agreement(s), no negotiations – emails, letters, drafts, offers, etc. – were produced, and they do not seem to fit into any of the identified exceptions. Could you please advise with regard to documented negotiations between GSA and Mt Hood Champion?" In response Mr. Shreves stated, "[t]he documented negotiations are contained within the Price Negotiation Memorandum (PNM) which was withheld and addressed within the response letter Page 2 in the first pull [sic] paragraph." The email exchange between counsel for Three Pine One and Mr. Shreves is part of Exhibit 2, labeled as Exhibit C and is incorporated herein.

16. On September 13, 2019, Three Pine One appealed the partial denial of its FOIA Request, which is attached hereto and incorporated herein as Exhibit 3 (the "FOIA Appeal"). The FOIA Appeal specifically objected to the records produced by GSA because "no emails, letters, phone messages, drafts, offers, bids or similar agency records were produced, withheld, or redacted regarding the negotiations between Buyer (and counsel) and the Forest Service/GSA." [Exhibit 3, pg. 2].

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17. GSA acknowledged the FOIA Appeal on September 17, 2019. GSA did not respond within the 20-day statutory deadline for a response. On October 24, 2019, GSA responded to the FOIA Appeal and affirmed its prior decision. The FOIA Appeal denial letter is attached hereto and incorporated herein as Exhibit 4 (the "FOIA Appeal Denial").

18. In the FOIA Appeal Denial letter, GSA stated that "GSA's stance remains to withhold confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4)." GSA further denied Three Pine One's appeal on the basis that "a FOIA requester cannot rely upon his status as a private party litigant to claim an entitlement to greater FOIA access than would be available to the average requester."; "GSA will not change its stance on the release of information that would cause competitive harm to a party, simply because litigation is ongoing."

19. In response to the portion of the FOIA Request asking for "negotiations between Buyer (and counsel) and the Forest Service/GSA with regard to termination of the old lease and entering into a new lease", GSA has stated that "[t]he novated lease contained a clause allowing the lease to be terminated, accordingly no negotiations were necessary. GSA withheld portions of the responsive records which reflect the agency's deliberative process, are considered pre-decisional in nature and/or attorney client privileged communication, have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5)." [Exhibit 4, pg. 2]. GSA also stated that it "withheld a Price Negotiation Memorandum that contained responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5)." Lastly, GSA stated that "[w]ith regards to negotiations in entering into a new lease, GSA's stance remains to withhold confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4)." [Exhibit 4, pg. 3].

20. Having appealed its FOIA Request with GSA prior to bringing this action, Three Pine One has exhausted its administrative remedies.

FIRST CLAIM FOR RELIEF

(Failure to Comply with FOIA, 5 U.S.C. § 552)

21. Plaintiff Three Pine One incorporates and realleges paragraphs 1 through 19 above as if set forth fully herein.

22. In responding to the FOIA Request and the FOIA Appeal, GSA failed to conduct an adequate search for relevant records. GSA failed to exhaustively search for and disclose to Three Pine One all responsive records in its possession documenting negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease, thereby withholding responsive records as a result.

23. For example, GSA did not produce a letter dated August 15, 2018 and titled Deficiency and Request for Offer Revision Letter, which Three Pine One knows to exist and received a copy of from Buyer/Mt Hood Champion, LLC, which is included as part of Exhibit 3, the FOIA Appeal labeled as Exhibit D and incorporated herein.

24. For example, GSA did not produce any email communications between GSA and Buyer/Mt Hood Champion, LLC, which Three Pine One knows to exist and received a copy of from Buyer/Mt Hood Champion, LLC, which are attached hereto and incorporated herein as Exhibit 5.

25. In partially denying the FOIA Request GSA failed to make a reasonable effort to estimate the volume of records documenting negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease which was denied, and GSA failed to provide such an estimate to Three Pine One, or otherwise failed to state why providing such an estimate would harm an interest proceed by the exemption to which the denial was made pursuant to 5 U.S.C. § 552 (a)(6)(F).

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26. These withholdings violate FOIA and demonstrate that GSA has not conducted an adequate search for records.

27. GSA also improperly withheld documents and portions of documents responsive to the FOIA Request. GSA has improperly withheld all communications between GSA and Buyer/Mt Hood Champion, LLC.

28. Three Pine One will suffer and continues to suffer irreparable harm as a result of GSA's inadequate search for agency records and continued wrongful withholding of agency records responsive to the FOIA Request. Three Pine One has no adequate legal remedy for GSA's wrongful acts.

PRAYER FOR RELIEF

WHEREFORE, Three Pine One respectfully requests that this Court:

1. Order GSA, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all records responsive to Three Pine One's FOIA Request;
2. Order GSA, by a date certain, to demonstrate that it has conducted an adequate search for records responsive to Three Pine One's FOIA Request;
3. Order GSA, by a date certain, to make any and all responsive records or portions of responsive records available to Three Pine One, as well as a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;
4. Enjoin GSA from withholding the requested records;
5. Declare that GSA's inadequate search and failure to disclose the records requested by Three Pine One is unlawful;

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6. Award Three Pine One its litigation costs and reasonable attorneys' fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
7. Any additional relief the Court may deem just and proper.

DATED this 6th day of November, 2019.

MCEWEN GISVOLD LLP

By: s/ Jonathan M. Radmacher
Jonathan Radmacher, OSB No. 924314
Of Attorneys for Plaintiff

MC EWEN GISVOLD LLP

Jonathan M. Radmacher
Direct Dial: 503•412•3522
jonathanr@mcewengisvold.com

Donald W. McEwen
(1920-2000)

May 29, 2019

Via Email (rperiman@fs.fed.us) and Regular Mail

Richard Periman
Mt. Hood Forest Supervisor
U.S. Forest Service, Region 6
1220 S.W. Third Avenue
Portland, Oregon 97204

Re: **Freedom of Information Act Request**
Lease of real property at 16400 Champion Way, Sandy, Oregon 97055 (“the Subject Property”)

Dear Supervisor Periman:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552, *et seq.*, for documents related to the Subject Property.

I am making this request on behalf of Three Pine One, LLC (“Seller”), which recently sold to Mt Hood Champion, LLC (“Buyer”) the real property occupied by the U.S. Forest Service as its Mt. Hood National Forest Headquarters, located at 16400 Champion Way, Sandy, Oregon 97055. Buyer now claims that it has lost income due to the Forest Service’s termination of the lease of the property, and seeks \$638,838 as compensation, but I understand that the termination occurred as part of a negotiation between the Forest Service/GSA and Buyer, and that the Forest Service intends to re-occupy the property after renovations.

In order to fully understand the Forest Service’s legal position vis-a-vis the Subject Property, I am writing to request that the Forest Service provide copies of (1) agreements entered into with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease.

Scope. If the Forest Service believes that requested documents are already available online, please advise as to that fact, so as to make locating those documents more efficient.

Timing. Please advise as to your determination about this FOIA request within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i).

Format. Please provide copies of the requested documents pursuant to 5 U.S.C. § 552(a)(2)(D). Where appropriate and possible, please provide electronic documents in native format (e.g. .pdf, .txt, .doc, etc.)

EXHIBIT 1
PAGE 1 OF 2

Richard Periman
Forest Supervisor
May 29, 2019
Page 2

Fees. Please advise as to the costs of responding to this request. At the same time, I believe that, because this request relates to the government's business with private parties, the requested documents are also in the public interest, and could assist in the public's understanding the operations or activities of government.

Very truly yours,

MCEWEN GISVOLD LLP



Jonathan M. Radmacher

JMR:lac

cc: Client
Jocelyn Summers (via Email)



Office of Administrative Services
FOIA Requester Service Center

July 10, 2019

Mr. Jonathan Radmacher
McEwen Gisvold, LLP
1100 S.W. Sixth Street, Suite 1600
Portland, OR 97204

Dear Mr. Radmacher:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number (GSA-2019-001146), submitted on May 31, 2019, in which you requested the following:

"I am making this request on behalf of Three Pine One, LLC ("Seller"), which recently sold to Mt Hood Champion, LLC ("Buyer") the real property occupied by the U.S. Forest Service as its Mt. Hood National Forest Headquarters, located at 16400 Champion Way, Sandy, Oregon 97055. The property has served as the U.S. Forest Service's headquarters for the Mt. Hood National Forest. The Buyer now claims that it has lost income due to the Forest Service's termination of the lease of the property, and seeks \$638,838 as compensation, but I understand that the termination occurred as part of a negotiation between the Forest Service/GSA and Buyer, and that the Forest Service intends to re-occupy the property after renovations. In order to fully understand the Forest Service's legal position vis-a-vis the Subject Property, I am writing to request that the Forest Service provide copies of (1) agreements entered into between the Forest Service or GSA, with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease."

Enclosed please find the documents responsive to your request. In processing your request, GSA withheld confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4). The fourth statutory exemption permits an agency to withhold "matters that are trade secrets and commercial or

U.S. General Services Administration
1800 F Street, NW, Room 7300
Washington, DC 20405-0001
Telephone: (855) 675-3642
Fax: (202) 501-2727

EXHIBIT 2
PAGE 1 OF 3

financial information obtained from a person or organization, that are privileged or confidential, if released, would result in competitive harm to the company.”

GSA withheld portions of the responsive records which reflect the agency’s deliberative process, are considered pre-decisional in nature and/or attorney-client privileged communications, have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5).

GSA also withheld a Price Negotiation Memorandum that contained responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5).

Additionally, GSA has withheld the signatures, cell phone numbers, and home addresses of private individuals pursuant to the FOIA, 5 U.S.C. § 552(b)(6). This was done because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Furthermore, in pursuant to the FOIA, 5 U.S.C. § 552(b)(7)(F), GSA has withheld agency specific security and related information and drawings the release of which could reasonably be expected to endanger the life or physical safety of any individual. This was done because information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or personal safety of an individual.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H3)
1800 F Street, NW, Room 7308
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 120 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, “Freedom of Information Act Appeal.”

This completes our action on this FOIA request. Should you have any questions, please contact Eric Shreves at (503) 396-0235 or by email at eric.shreves@gsa.gov. You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912

or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at 202-741-5769.

Sincerely,

Travis Lewis

Travis Lewis
Deputy Director
Office of Accountability and Transparency
Office of Administrative Services

Enclosure

MC EWEN GISVOLD LLP

Jonathan M. Radmacher
Direct Dial: 503-412-3522
jonathanr@mcewengisvold.com

Donald W. McEwen
(1920-2000)

September 13, 2019

Via Regular Mail and Email (GSA.FOIA@gsa.gov and wo foia@fs.fed.us)

U.S. General Services Administration ("GSA")
FOIA Requester Service Center (H3)
1800 F Street, NW, 7308
Washington, DC 20405

Re: **Freedom of Information Act Appeal (GSA-2019-001146)**
Lease of real property at 16400 Champion Way, Sandy, Oregon 97055
("the Subject Property")

To Whom It May Concern:

This is an appeal of the partial denial of the FOIA request (GSA-2019-001146) dated May 29, 2019, regarding the Subject Property. A copy of the FOIA request is attached as **Exhibit A**. A copy of the partial denial of the FOIA request is attached as **Exhibit B**. The request was made on behalf of Three Pine One, LLC ("Seller"), which sold the Subject Property, occupied by the U.S. Forest Service, to Mt Hood Champion, LLC ("Buyer").

In that request, I asked for: "(1) agreements entered into with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease [with Seller] and entering into a new lease [with Buyer]." I am appealing the partial denial of the FOIA request based on redactions and documents withheld by GSA.

In particular, GSA withheld one document called a "Price Negotiation Memorandum" on the basis that it contained "responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5)." To clarify this issue, I contacted Mr. Eric Shreves, who GSA identified as the person to whom inquiries should be made. A copy of my email exchange with Mr. Shreves is attached as **Exhibit C**.

I asked Mr. Shreves about the request for documents related to negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease. In particular I noted that no communications (emails, letters, drafts, effects) evidencing the negotiations between Buyer and the Forest Service/GSA were produced. Mr. Shreves stated that "[t]he documented negotiations are contained within the Price Negotiation Memorandum (PNM) which was withheld and addressed within the response letter Page 2 in the first pull [sic] paragraph."

EXHIBIT 3
PAGE 1 OF 16

McEWEN GISVOLD LLP

Freedom of Information Act Appeal
September 13, 2019
Page 2

However, it appears that the responsive records and the withheld records are incomplete: no emails, letters, phone messages, drafts, offers, bids or similar agency records were produced, withheld, or redacted regarding the negotiations between Buyer (and counsel) and the Forest Service/GSA. GSA has not stated that these requested records do not exist. In particular, I am aware of at least two responsive documents which were not produced or listed as being withheld by GSA:

1. Buyer's initial offer to lease the Subject Property to GSA submitted on July 18, 2018.
2. GSA's deficiency letter in response to Buyer's initial offer to lease the Subject Property to GSA, sent on or about August 15, 2018. A copy of this letter is attached as **Exhibit D**.

The two records described above are responsive to the FOIA request submitted, and should be produced. To the extent that any additional responsive records exist, they should be located and produced.

Additionally, in GSA's new lease with Buyer, GSA has withheld or redacted the annual "shell rent", the "operating costs", the schedule for "adjusted Monthly Rent", the annual rental interest rate, and the tenant improvement fees listed in the lease pursuant to 5 U.S.C. 552(b)(4). However, these figures are critical to understanding how Buyer might have been damaged, if at all, when the Forest Service/GSA terminated its lease and/or entered into a new lease with Buyer. The requested information should therefore be released.

Additionally, please provide an index of all major information systems used by GSA, a description of the major information and record locator systems maintained by GSA, and a handbook for obtaining various types and categories of public information from GSA. 5 U.S.C. § 552(g). If this information is available online, please provide a working website address.

Very truly yours,

McEWEN GISVOLD LLP



Jonathan M. Radmacher

JMR:avz

Enclosures

cc: Client

Eric Shreves (via Email: eric.shreves@gsa.gov)

EXHIBIT 3
PAGE 2 OF 16

MC EWEN GISVOLD LLP

Jonathan M. Radmacher
Direct Dial: 503•412•3522
jonathanr@mcewengisvold.com

Donald W. McEwen
(1920-2000)

May 29, 2019

Via Email (rperiman@fs.fed.us) and Regular Mail

Richard Periman
Mt. Hood Forest Supervisor
U.S. Forest Service, Region 6
1220 S.W. Third Avenue
Portland, Oregon 97204

Re: **Freedom of Information Act Request**
Lease of real property at 16400 Champion Way, Sandy, Oregon 97055 (“the Subject Property”)

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In order to fully understand the Forest Service’s legal position vis-a-vis the Subject Property, I am writing to request that the Forest Service provide copies of (1) agreements entered into with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA, with regard to termination of the old lease and entering into a new lease.

Scope. If the Forest Service believes that requested documents are already available online, please advise as to that fact, so as to make locating those documents more efficient.

Timing. Please advise as to your determination about this FOIA request within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i).

Format. Please provide copies of the requested documents pursuant to 5 U.S.C. § 552(a)(2)(D). Where appropriate and possible, please provide electronic documents in native format (e.g. .pdf, .txt, .doc, etc.)

EXHIBIT A
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Richard Periman
Forest Supervisor
May 29, 2019
Page 2

Fees. Please advise as to the costs of responding to this request. At the same time, I believe that, because this request relates to the government's business with private parties, the requested documents are also in the public interest, and could assist in the public's understanding the operations or activities of government.

Very truly yours,

MCEWEN GISVOLD LLP



Jonathan M. Radmacher

JMR:lac

cc: Client
Jocelyn Summers (via Email)

EXHIBIT A
PAGE 12 OF 12



Office of Administrative Services
FOIA Requester Service Center

July 10, 2019

Mr. Jonathan Radmacher
McEwen Gisvold, LLP
1100 S.W. Sixth Street, Suite 1600
Portland, OR 97204

Dear Mr. Radmacher:

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Enclosed please find the documents responsive to your request. In processing your request, GSA withheld confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4). The fourth statutory exemption permits an agency to withhold "matters that are trade secrets and commercial or

U.S. General Services Administration
1800 F Street, NW, Room 7300
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Fax: (202) 501-2727

EXHIBIT B
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financial information obtained from a person or organization, that are privileged or confidential, if released, would result in competitive harm to the company.”

GSA withheld portions of the responsive records which reflect the agency’s deliberative process, are considered pre-decisional in nature and/or attorney-client privileged communications, have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5).

GSA also withheld a Price Negotiation Memorandum that contained responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5).

Additionally, GSA has withheld the signatures, cell phone numbers, and home addresses of private individuals pursuant to the FOIA, 5 U.S.C. § 552(b)(6). This was done because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Furthermore, in pursuant to the FOIA, 5 U.S.C. § 552(b)(7)(F), GSA has withheld agency specific security and related information and drawings the release of which could reasonably be expected to endanger the life or physical safety of any individual. This was done because information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or personal safety of an individual.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H3)
1800 F Street, NW, Room 7308
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 120 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, “Freedom of Information Act Appeal.”

This completes our action on this FOIA request. Should you have any questions, please contact Eric Shreves at (503) 396-0235 or by email at eric.shreves@gsa.gov. You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912

or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at 202-741-5769.

Sincerely,

Travis Lewis

Travis Lewis
Deputy Director
Office of Accountability and Transparency
Office of Administrative Services

Enclosure

From: Eric Shreves - 10PRAA <eric.shreves@gsa.gov>
Sent: Wednesday, September 4, 2019 10:07 AM
To: Jonathan M. Radmacher
Cc: Lisa A. Cadungug
Subject: Re: FW: Final Disposition, Request GSA-2019-001146

Jonathan, apologies for the delay. I researched the matter and if you want to appeal the FOIA determination then please follow the instructions at the bottom of the July 10, 2019 response letter.

The documented negotiations are contained within the Price Negotiation Memorandum (PNM) which was withheld and addressed within the response letter Page 2 in the first pull paragraph.

On Sat, Aug 24, 2019 at 7:57 PM Jonathan M. Radmacher <jonathanr@mcewengisvold.com> wrote:

Eric:

Can you please advise as to when that might be?

Thank you.

Jonathan

From: Eric Shreves - 10PRAA [mailto:eric.shreves@gsa.gov]
Sent: Monday, August 12, 2019 11:32 AM
To: Jonathan M. Radmacher
Cc: Lisa A. Cadungug
Subject: Re: FW: Final Disposition, Request GSA-2019-001146

Jonathan, I have received your inquiry and its under review. I will respond as soon as possible.

On Fri, Aug 9, 2019 at 3:59 PM Jonathan M. Radmacher <jonathanr@mcewengisvold.com> wrote:

Dear Mr. Shreves:

EXHIBIT C
PAGE 10 OF 16

I am writing you to follow up on this FOIA request, as you are identified in the attached letter as the person to whom I should direct inquiries. More particularly, the request asked for both agreements and negotiations. While the documents produced (redacted) seem to encompass the agreement(s), no negotiations – emails, letters, drafts, offers, etc. – were produced, and they do not seem to fit into any of the identified exceptions. Could you please advise with regard to documented negotiations between GSA and Mt Hood Champion?

Thank you.

Jonathan Radmacher

Mr qdwkdqP #Jdgp dfkhu#Dwrr uqh | #dwDdz #Bduwqhu

P F H Z H Q #J I V Y R O G #D O S #Q #v w ; ; 9

1600 Standard Plaza, 1100 S.W. Sixth Avenue, Portland, Oregon 97204

Direct: 503-412-3522 | Office: 503-226-7321 | Fax: 503-243-2687

Email: jonathanr@mcewengisvold.com

Profile: <https://www.mcewengisvold.com/ourattorneys/2017/10/30/jonathan-m-radmacher>

This message may contain confidential communications and/or privileged information. If you have received it in error, please delete it and notify the sender.

From: no-reply@foiaonline.gov <no-reply@foiaonline.gov>

Sent: Wednesday, July 10, 2019 8:44 AM

To: Jonathan M. Radmacher <jonathanr@mcewengisvold.com>

Subject: Final Disposition, Request GSA-2019-001146

GSA-2019-001146 has been processed with the following final disposition: Partial Grant/Partial Denial.

Given the nature of this request, some records are only being released to you as the requester. If you have an account in FOIAonline, you may access those records by [logging into FOIAonline](#). Otherwise, those responsive records will be sent via the method agreed upon with the FOIA processor.

--

Eric Shreves

Supervisory Lease Contracting Officer
GSA Public Buildings Service, Leasing Division

620 SW Main Street; Room 108

Portland, Oregon 97205

Office: 503-326-6614

Mobile: 503-396-0235

Email: eric.shreves@gsa.gov

--

Eric Shreves

Supervisory Lease Contracting Officer
GSA Public Buildings Service, Leasing Division

620 SW Main Street; Room 108

Portland, Oregon 97205

Office: 503-326-6614

Mobile: 503-396-0235

Email: eric.shreves@gsa.gov

EXHIBIT C
PAID 10/30/18



GSA Public Buildings Service

VIA: Electronic Submittal

August 15, 2018

Dan Petrusich & Craig Lewis
Mount Hood Champion LLC
1705 SW Taylor, Suite 250
Portland, OR 97205
Phone: 503-784-7686
Email: dpetrusich@mmdccompany.com

RE: **DEFICIENCY AND REQUEST FOR OFFER REVISION LETTER**
RLP #4OR0213– U.S. Forest Service (USFS), Sandy/Estacada, Oregon

Dear Mr. Petrusich and Mr. Lewis:

Thank you for submitting your offer, received by the Government on July 18, 2018, in response to the USFS solicitation for office and warehouse space in Sandy/Estacada, OR. Your offer contains the following deficiencies which must be corrected in order for your offer to remain in the competition, and weaknesses, which if corrected, will help make your offer more competitive.

Deficiencies & Clarifications: Offeror is to provide, correct, or clarify the following:

1. **RLP Section 3.03 B, Referring to Form 1364, Deficiency:** The submitted 1364 and 1364 Attachment A documents have different rent tables. Please just use the rent table in 1364 Attachment A moving forward. Broker found two errors in the spreadsheet that have been fixed and highlighted in yellow. BSAC Allowance not required and should be removed from the proposed Rent. Cells that still need completion are highlighted in red. Please review changes to the form and confirm changes meet your intent.
2. **RLP Section 3.06 B, Referring to Evidence of conditional commitment of funds, Deficiency:** Offeror submitted letter demonstrating Offeror's reputation with bank, but does not provide an amount available to fund TI/Shell work. Please provide letter stating an amount that could be provided by a bank that equals/exceeds the value indicated in 1364-A box 15.a with offer revisions.
3. **RLP Section: 3.06 D, Referring to: Evidence of ownership or control of site. Deficiency:** Statutory Warranty Deed conveyed to Mt. Hood Champion LLC. Please provide Operating Agreement or other legal documentation showing who has signatory authority on behalf of Mt. Hood Champion LLC.

4. **RLP Section: 3.06 H, Referring to: SAM. Deficiency:** Evidence of active SAM registration provided. Please un-restrict public search access in SAM.gov to allow Government to complete due diligence found only in this manner.
5. **RLP Section: 3.06 I.1.a, Referring to: GSA Form 12000. Deficiency:** Submitted, but several checkboxes are left blank. Please complete each checkbox even if the answer is "No".
6. **RLP Section: 3.06 I.1.c, Referring to: Sprinkler Maintenance NFPA 25 Compliance. Deficiency:** Not submitted. Please include with resubmission.
7. **RLP Section 3.06 J, Referring to: Legal description of property and tax ID number, copies of prior year tax notices/bills, etc. Deficiency:** Tax notice provided, which shows 2017-2018 taxes to be \$81,164.17. However, this is a different value than taxes indicated in Form 1217 and 1364. Please clarify why these values are different or correct. If the taxes for the entire building indicated in Form 1217 are an estimate of future taxes, please provide method of estimating.
8. **RLP Section 3.06 K, Referring to Parking Plan and Narrative, Deficiency:** Offeror indicates in Cover Letter that 90 secured spaces, 140 employee spaces, 1 RV space, and 18 day-use spaces provided. This total is short 1 RV space since 2 are required. Please re-evaluate requirement, as clarified in Amendment 1, and confirm it can be met with offer revisions. See Site Plan comments below for more detail.
9. **RLP Section 3.06 N, Referring to First generation plans of offered spaces including floor of exit discharge (CAD), Deficiency:** Additional GSA Comments forthcoming post Test Fit Submission.
10. **RLP Section 3.06 Q, Referring to demonstration of why no Energy Star improvements are cost effective, Deficiency:** Offeror states in cover letter that the building is exempt from Energy Star requirement. This offeror meets an exception not an exemption, which still requires compliance with RLP Paragraph 2.09.D. Please review this paragraph in relation to the upgrades Offeror discusses in cover letter (HVAC and lighting upgrades) and provide additional detail as to the improvements Offeror would make.
11. **RLP Section: 3.06 T, Referring to: Seismic Certificate. Deficiency:** Seismic Form C submitted and signed by Offeror. Tier 1 report required to accompany Seismic Form C. Please provide.
12. **RLP Section: 3.06 Y, Referring to: Test Fit. Deficiency:** Per discussion on 8/7, field measurement to be completed by architect and test fit to be completed. Please include as soon as it is prepared.
13. **RLP Section: 3.06 AA, Referring to: Construction Schedule, Deficiency:** Please show column indicating duration (in days), with a breakout showing Phasing as planned, as part of the Gantt Chart. In addition, "Lease Executed" milestone is shown during CD phase. Please clarify why this milestone is so late in the process as the Government would not move forward

with design without an executed lease. Please also break out the different phases of construction (including phasing).

14. RLP Section: 3.06 BB, Referring to: Swing Space Plan. Deficiency: Written portion submitted in cover letter, which did not include costs. Please include. Note that RLP 4.07 D requires relocation costs related to a phasing related swing space is a Lessor incurred cost and not a Tenant Improvement incurred cost.

15. RLP Section: 3.06 EE, Referring to: Site Plan, Deficiency:

- a. It appears 92 secured parking spaces provided, 154 employee parking spaces, 22 visitor parking spaces, and 1 RV parking space provided (not counting ADA spaces). Please update 1364 and parking narrative to match parking shown on site plan.
- b. Elevations are required per this RLP Paragraph. Please include with offer revisions.
- c. Site Plan and 1364 show ware-yard to be 22,950 SF. It appears there may be a discrepancy between what the Offeror believes to be ware-yard and what the Government does.
- d. Ware-yard area would need to be expanded to accommodate the (90) vehicle requirement.
- e. GSA review conducted:
 - i. It appears that the existing site plan does not meet our requirement as clarified with Amendment 1. There are (241) conventional spaces on site.
 - ii. It appears that the RV parking and Motorcycle striping might be reconfigured to provide additional spaces. Only (1) RV space is required.

16. GSA Form 1217, Section: Line 31 - Lease Commission per RSF. Deficiency: Offeror left this cell blank. Please include annualized commission (total commission divided by total years) in this box with offer revisions.

17. GSA Form 1364, Section: Block 1e - 9-Digit Zip Code. Deficiency: Please provide 9 digit zip code.

18. GSA Form 1364, Section: Block 9- ABOA SF. Deficiency: Offeror provided scaling of space that results in only 25,618 ABOA SF in entire building. This is less than the Government's required ABOA SF. Offeror clarifies in Cover Letter that ware-yard size is only 22,950 SF, which is also less than the Government's requirements.

19. GSA Form 1364, Block 12 – Amortized TI's/RSF/ABOA. Deficiency: Broker found error in 1364 Attachment A, which showed the incorrect rate/ABOA SF for the Office Space. When corrected, the Total TIs are \$1,245,868.36, which when amortized equal \$2.99/RSF; \$3.46/ABOA SF. Please confirm you agree to this correction. Broker will send corrected 1364 Attachment A to Offeror.

20. GSA Form 1364, Section: Block 13 - Amortized Building Specific Security/RSF/ABOA. Deficiency: NO BSAC required. Remove from Rental Rate Calculations.

21. GSA Form 1364, Section: Block 14 - Shell Build-out, if applicable. Deficiency: Blank in 1364 Attachment A, but are shown to be \$7,755,566 in 1364. Please include this value in 1364 Attachment A in red highlighted cell.

Page 4 / 5

22. **GSA Form 1364, Section: Block 18 - Total Annual Rate. Deficiency:** Offeror indicated a different rate in the 1364 (\$31.17/RSF) than in the 1364 Attachment A due to BSAC amortization being removed in Attachment A. Please indicate fully serviced rent here without BSAC amortization.
23. **GSA Form 1364, Section: Block 21 - # Spaces included with lease. Deficiency:** 249 spaces. Please correct to add missing RV space.
24. **GSA Form 1364, Section: Block 28 - Adjustment for Vacant Premises. Deficiency:** Offeror left this item blank. Please include value here. This item is only utilized if the Government vacates a marketable portion of the space and represents the savings to you for Operating Costs that are no longer needed in vacated space.
25. **GSA Form 1364, Section: Block 28 - 24 Hour HVAC. Deficiency:** Please indicate if the cost to operate the 490 SF room that requires 24/7 HVAC (per Lease Paragraph 6.05.G) is included in the Operating Costs.
26. **GSA Form 1364, Section: Block 28 - Normal Hours. Deficiency:** Offeror indicated normal hours to be 7:30am - 4:30pm. The Government's hours of operation per paragraph 6.01 are 6:30am - 4:30pm. Please re-evaluate to ensure Government's needs are met.
27. **GSA Form 1364, Section: Block 31 - Additional Remarks or Comments. Deficiency:** Offeror addressed ceiling height and stated that "after the shell renovation, the building will have ceiling heights between 8'6" and 9'0"". GSA requires a proposed ceiling plan detailing which ceilings will meet Shell Standards.
28. **GSA Form 1364, Section: Block 32 - Recorded Owner. Deficiency:** Mount Hood Champion LLC. Offeror included address of building instead of LLC's office. Please correct.
29. **Agency Special Requirements, Exhibit B - ASR. Deficiency:** Submitted and initialed 12 pages of document. However, the entirety of Exhibit B comprises 136 pages. Please initial each page of full document and return.
30. **Security Requirements, Exhibit C - Security Requirements. Deficiency:** Not submitted. Please initial each page and include with offer revisions to indicate agreement/understanding of document.
31. **General Clauses, Exhibit E - GSA Form 3517B. Deficiency:** Not submitted. Please initial each page and include with offer revisions to indicate agreement/understanding of document.
32. **DOL Wage Determination, Exhibit F - DOL Wage Determination. Deficiency:** Not submitted. Please initial each page and include with offer revisions to indicate agreement/understanding of document.

Your offer also contains the following weaknesses which, if amended, could make your offer more competitive.

Page 4 of 5

EXHIBIT D
PAGE 14 OF 16
 Exhibit F Page 4 of 6

Page 5 / 5

Weaknesses:

1. **GSA Form 1364, Section: Block 17 - Operating Cost/RSF/ABOA. Deficiency:** \$6.54/RSF; \$7.57/ABOA SF. This cost seems high. Please re-evaluate components that comprise Operating Costs to ensure the Government is getting the best pricing.
2. **GSA Form 1364, Section: Block 27b - Lessor's Project Management Fee. Deficiency:** 10%. This is very high for this type of work in this market. Please re-evaluate.
3. **GSA Form 1364, Section: Block 29 - Free Rent. Weakness:** Offeror can make its offer more competitive by providing free rent consistent with the market to assist with the Government's Present Value analysis of offer.

Please submit revisions to your offer as soon as possible to the following address: Brian Redmon, Cushman & Wakefield, 8390 E. Crescent Parkway, Suite 450, Greenwood Village, CO 80111; with a courtesy copy to GSA at: Eric Shreves, at GSA Public Buildings Service, Leasing Division, 620 SW Main Street, Suite 108, Portland, OR 97214. Should you have any questions or need additional copies of any forms requested, please do not hesitate to contact Brian Redmon at Cushman & Wakefield by phone at (303) 729-2350 or by email at brian.redmon@gsa.gov.

Sincerely,



Eric Shreves
Lease Contracting Officer
U.S. General Services Administration

Cc: Lindsey Snow, GSA
Brian Redmon, Cushman & Wakefield
Mark Carnese, Cushman & Wakefield

Page 5 of 5

EXHIBIT D
PAGE 5 OF 6
PAGE 15 OF 16
Exhibit F Page 5 of 6



GSA Chief FOIA Officer

October 24, 2019

Mr. Jonathan Radmacher
McEwen Gisvold LLP
1100 S.W. Sixth Avenue Suite 1600
Portland, OR 97204

Dear Mr. Radmacher:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) appeal number (GSA-2019-001683), submitted on September 13, 2019. On May 31, 2019, you submitted GSA FOIA request (GSA-2019-001146), in which you requested the following:

"I am making this request on behalf of Three Pine One, LLC ("Seller"), which recently sold to Mt Hood Champion, LLC ("Buyer") the real property occupied by the U.S. Forest Service as its Mt. Hood National Forest Headquarters, located at 16400 Champion Way, Sandy, Oregon 97055. The property has served as the U.S. Forest Service's headquarters for the Mt. Hood National Forest. The Buyer now claims that it has lost income due to the Forest Service's termination of the lease of the property, and seeks \$638,838 as compensation, but I understand that the termination occurred as part of a negotiation between the Forest Service/GSA and Buyer, and that the Forest Service intends to re-occupy the property after renovations. In order to fully understand the Forest Service's legal position vis-à-vis the Subject Property, I am writing to request that the Forest Service provide copies of (1) agreements entered into between the Forest Service or GSA, with Buyer, and (2) negotiations between Buyer (and counsel) and the Forest Service/GSA with regard to termination of the old lease and entering into a new lease."

The lease between GSA and Mt Hood Champion LLC was provided in response to your request for "agreements entered into between the Forest Service or GSA, with Buyer." In processing your appeal request, GSA's stance remains to withhold confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4). The fourth statutory exemption permits an agency to withhold "matters that are trade secrets and commercial or financial information obtained from a person or organization, that are privileged or confidential, if released, would result in competitive harm to the company."

U.S. General Services Administration
1800 F. Street, NW, Room: 7308
Washington, DC 20405
Toll Free: (855)-673-3642
Fax: (202) 501-2727

EXHIBIT 4
PAGE 1 OF 3

-2-

Additionally, GSA has withheld the signatures, cell phone numbers, and home addresses of private individuals pursuant to the FOIA, 5 U.S.C. § 552(b)(6). This was done because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Furthermore, in pursuant to the FOIA, 5 U.S.C. § 552(b)(7)(F), GSA has withheld agency specific security and related information and drawings the release of which could reasonably be expected to endanger the life or physical safety of any individual. This was done because information compiled for law enforcement purposes, the release of which could reasonably be expected to endanger the life or personal safety of an individual.

You contend that you need access to withheld or redacted annual "shell rent" "operating costs" "adjusted Monthly Rent", "annual rental interest rate," and tenant improvements fee in order to determine how the Buyer might have been damaged, if at all, when GSA terminated the lease and entered into the new lease. It is well established that a FOIA requester cannot rely upon his status as a private party litigant to claim an entitlement to greater FOIA access than would be available to the average requester. See, e.g., *NLRB v. Robbins Tire & Rubber Co.*, 437 U.S. at 242 n.23; *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132, 143 n.10 (1975); *United States v. United States District Court, Central District of California*, 717 F.2d at 480. GSA will not change its stance on the release of information that would cause competitive harm to a party, simply because litigation is ongoing.

Additionally, information showing building plans and floor plans have been redacted pursuant to the FOIA, 5 U.S.C. § 552(b)(5), as this information is related to the deliberative process associated with planning for building security.

You additionally requested "negotiations between Buyer (and counsel) and the Forest Service/GSA with regard to termination of the old lease and entering into a new lease."

The novated lease contained a clause allowing the lease to be terminated, accordingly no negotiations were necessary. GSA withheld portions of the responsive records which reflect the agency's deliberative process, are considered pre-decisional in nature and/or attorney-client privileged communications, have been redacted pursuant to FOIA, 5 U.S.C. § 552(b)(5).

GSA also withheld a Price Negotiation Memorandum that contained responsive information in its entirety as this document was developed pre-decisional as part of a deliberative work process and the release would cause competitive harm pursuant to FOIA, 5 U.S.C. § 552(b)(5).

You contend that GSA should have released the Buyer's initial offer to lease the Subject Property, however 41 USC §253b(m) prohibits release of any proposal in the possession or control of an executive agency unless it has been set forth or

-3-

incorporated by reference in a contract entered into between the agency and the contractor that submitted the proposal. While proposals to lease are submitted, the final lease is a negotiated document which may have different terms and pricing than the lease proposal. With regards to negotiations in entering into a new lease, GSA's stance remains to withhold confidential/or proprietary financial information pursuant to the FOIA, 5 U.S.C. § 552(b)(4). The fourth statutory exemption permits an agency to withhold "matters that are trade secrets and commercial or financial information obtained from a person or organization, that are privileged or confidential, if released, would result in competitive harm to the company.

Finally, you add an additional request that GSA provide:

"an index of all major information systems used by GSA, a description of the major information and record locator systems maintained by GSA, and a handbook for obtaining various types and categories of public information from GSA."

This is a new request, not a part of the FOIA appeal. GSA does not interpret this request as on for access to particular records within the meaning of 5 U.S.C. § 552(a)(3). The agency is not required to create or compile new records in response to a FOIA request.

This letter constitutes GSA's final determination regarding this matter. You have the right to seek judicial review of this determination in the United States District Court in the District in which you reside, have your principal place of business, or in the District of Columbia, or where the records are located.

As an alternative to litigation, the Office of Government Information Services (OGIS) has been created under the 2007 FOIA amendments. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS by mail at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, Room 2501, College Park, MD 20740, via email at ogis@nara.gov or by phone at (877) 684-6448.

Sincerely,

Bob Stafford
Chief FOIA Officer

Message

From: Craig Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a80c5467ebca46c792e4a4171bd4122c-clewis]
on behalf of Craig Lewis
Sent: 2/13/2019 8:36:20 AM
To: 'Lindsey Snow - 10PRA' [lindsey.snow@gsa.gov]; Dan Petrusich [dpetrusich@mmdccompany.com]
CC: Brian Redmon - PRAA-C [brian.redmon@gsa.gov]; Eric Shreves [eric.shreves@gsa.gov]; Susan Alexander [susan.alexander@gsa.gov]
Subject: RE: GS-10P-LOR07502 GSA FS Sandy Executed Lease

Good Morning, Lindsey-

Documents received. We appreciate your team's commitment to moving this process to closure under difficult circumstances. We also look forward to continuing our mutually beneficial relationship with the GSA and Forest Service.

Thank you,

CL

From: Lindsey Snow - 10PRA <lindsey.snow@gsa.gov>
Sent: Tuesday, February 12, 2019 6:54 PM
To: Dan Petrusich <dpetrusich@mmdccompany.com>; Craig Lewis <clewis@mmdccompany.com>
Cc: Brian Redmon - PRAA-C <brian.redmon@gsa.gov>; Eric Shreves <eric.shreves@gsa.gov>; Susan Alexander <susan.alexander@gsa.gov>
Subject: GS-10P-LOR07502 GSA FS Sandy Executed Lease

Dear Dan and Craig,

Please find attached the executed lease for FS Sandy! I will send additional email with exhibits; however exhibit B-2 and E will be sent at a later date once I can sign in person.

As I expressed on the phone this morning, we very much appreciate the time and effort you have put into this project thus far and look forward to continuing working with you in post award and during the long life of this lease!

Congratulations and thank you,

Lindsey D. Snow
Lease Acquisition Branch Chief
Lease Acquisition Officer
GSA Public Buildings Service, Leasing Division
400 15th Street SW
Auburn, WA 98001
253-931-7219 Office
253-326-6919 Cell
253-931-7384 Fax
lindsey.snow@gsa.gov

Appointment

From: Google Calendar [calendar-notification@google.com]
Sent: 2/12/2019 1:42:14 PM
To: Craig Lewis [clewis@mmdccompany.com]
Subject: Accepted: Move Coordination - @ Tue Feb 19, 2019 10am - 11:30am (PST) (Craig Lewis)
Attachments: invite.ics
Location: Sandy Forest Service HQ
Start: 2/19/2019 10:00:00 AM
End: 2/19/2019 11:30:00 AM
Show Time As: Tentative

Recurrence: (none)

susan.alexander@gsa.gov has accepted this invitation.

Move Coordination -

When Tue Feb 19, 2019 10am – 11:30am Pacific Time - Los Angeles
Where Sandy Forest Service HQ ([map](#))
Calendar Craig Lewis
Who

- Craig Lewis - organizer
- susan.alexander@gsa.gov - creator
- Eric Shreves - 10PRAA
- Joe Rothell

Please feel free to forward to the appropriate Forest Service team members.
 O'Neill Transfer will be in attendance.

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Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account clewis@mmdccompany.com because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

Appointment

From: susan.alexander@gsa.gov [susan.alexander@gsa.gov]
To: Craig Lewis [clewis@mmdccompany.com]; susan.alexander@gsa.gov
Subject: Move Coordination -
Location: Sandy Forest Service HQ
Start: 2/19/2019 10:00:00 AM
End: 2/19/2019 11:30:00 AM
Show Time As: Tentative

Recurrence: (none)

Please feel free to forward to the appropriate Forest Service team members.

O' Neill Transfer will be in attendance.

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Appointment

From: eric.shreves@gsa.gov [eric.shreves@gsa.gov]
To: eric.shreves@gsa.gov; clewis@mmdccompany.com; dpetrusich@mmdccompany.com; brian.redmon@gsa.gov; susan.alexander@gsa.gov
CC: lindsey.snow@gsa.gov
BCC: R10-PBS-Portland - Bridgeline 503-326-7674
 [gsa.gov_3234463037363930323539303035363738383235373644433030354332303136@resource.calendar.google.com]
Subject: Sandy - Discuss Construction Phasing and Schedule Plan
Location: R10-PBS-Portland - Bridgeline 503-326-7674
Start: 9/19/2018 1:00:00 PM
End: 9/19/2018 1:50:00 PM
Show Time Tentative
As:

Recurrence (none)

$$\vdots$$

Discuss Proposed Design/Pricing/Construction Schedule with Phasing and Impact on USFS Operations. GC invited to call.

~~~~~  
Please do not edit this section of the description.

View your event at

[https://www.google.com/calendar/event?action=VIEW&eid=MGF1MwgxdCwMz1wa3ZzY25tNGtqY3JkNTIgY2x1d2lzcGQ1tZGNjb21wYy55LmNvbQ&tok=MjAjaXJpYy5zaHJ1dmVzQGdzYS5nb3YxYmUzN2Y4YzE5NDNlOWViZmU0N2ZmYjEwZGZlNTE5ZDMxYWQ1ODgy&ctz=America%2FLos\\_Angeles&hl=en&es=0](https://www.google.com/calendar/event?action=VIEW&eid=MGF1MwgxdCwMz1wa3ZzY25tNGtqY3JkNTIgY2x1d2lzcGQ1tZGNjb21wYy55LmNvbQ&tok=MjAjaXJpYy5zaHJ1dmVzQGdzYS5nb3YxYmUzN2Y4YzE5NDNlOWViZmU0N2ZmYjEwZGZlNTE5ZDMxYWQ1ODgy&ctz=America%2FLos_Angeles&hl=en&es=0)

[illegible]



Message

---

**From:** Dan Petrusich [dpetrusich@mmdccompany.com]  
**Sent:** 3/21/2018 3:40:37 PM  
**To:** lindsey.snow@gsa.gov  
**CC:** Craig Lewis [clewis@mmdccompany.com]  
**Subject:** Forest Service Lease Sandy, Oregon

Lindsey;

Thanks for returning my call today.

I was calling to inquire about the Sandy, Oregon Forest Service lease.

We noticed the lease is due to expire October 2019 and wanted to know the future plans for this office requirement.

Craig Lewis and I actually pursued this requirement 20 years ago when the Forest Service located in Sandy.

We look forward to hearing from you about this requirement.

Thanks.

Dan



**Dan Petrusich, President**

D: 971-888-7534 | C: 503-784-7686

dpetrusich@mmdccompany.com

1705 SW Taylor, Suite 250, Portland, OR 97205

www.MMDCCompany.com

## Message

**From:** Dan Petrusich [dpetrusich@mmdccompany.com]  
**Sent:** 3/21/2018 4:26:20 PM  
**To:** Lindsey Snow - 10PRB [lindsey.snow@gsa.gov]  
**CC:** Craig Lewis [clewis@mmdccompany.com]  
**Subject:** RE: Forest Service Lease Sandy, Oregon

Lindsey;

We would like to participate in the active procurement process for this lease.  
 We have not seen this advertised.  
 Has an RFQ been issued?  
 Thanks.

Dan



**Dan Petrusich, President**  
 D: 971-888-7534 | C: 503-784-7686  
 dpetrusich@mmdccompany.com  
 1705 SW Taylor, Suite 250, Portland, OR 97205  
 www.MMDCCompany.com

**From:** Lindsey Snow - 10PRB <lindsey.snow@gsa.gov>  
**Sent:** Wednesday, March 21, 2018 4:17 PM  
**To:** Dan Petrusich <dpetrusich@mmdccompany.com>  
**Cc:** Craig Lewis <clewis@mmdccompany.com>  
**Subject:** Re: Forest Service Lease Sandy, Oregon

Hi Dan,

Thanks for your inquiry. We are working on an active procurement to replace this lease.

Please let me know if you have additional questions.

Thank you,

Lindsey D. Snow  
 Branch Chief, Western Washington/Oregon  
 Lease Acquisition Officer  
 GSA Public Buildings Service, Leasing Division  
 400 15th Street SW  
 Auburn, WA 98001  
 253-931-7219 Office  
 253-326-6919 Cell  
 253-931-7384 Fax  
[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)

On Wed, Mar 21, 2018 at 3:40 PM, Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)> wrote:

Lindsey;

Thanks for returning my call today.

I was calling to inquire about the Sandy, Oregon Forest Service lease.

We noticed the lease is due to expire October 2019 and wanted to know the future plans for this office requirement.

Craig Lewis and I actually pursued this requirement 20 years ago when the Forest Service located in Sandy.

We look forward to hearing from you about this requirement.

Thanks.

Dan



**Dan Petrusich, President**

D: 971-888-7534 | C: 503-784-7686

[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)

1705 SW Taylor, Suite 250, Portland, OR 97205

[www.MMDCCompany.com](http://www.MMDCCompany.com)

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## Message

**From:** Lindsey Snow - 10PRB [lindsey.snow@gsa.gov]  
**Sent:** 3/21/2018 5:15:14 PM  
**To:** Dan Petrusich [dpetrusich@mmdccompany.com]  
**CC:** Craig Lewis [clewis@mmdccompany.com]; kristen.yee@gsa.gov  
**Subject:** Re: Forest Service Lease Sandy, Oregon

Hi Dan - I should have been clearer in my previous response - we are almost at award for this procurement and the offer submission deadline has passed.

On a related note, the current owner of the Sandy building is auctioning off that building in the next few weeks if you're interested.

I recommend you enter any space you have for lease in our AAAP program and we can also reach out to you on other upcoming procurements if you have space available.

Thank you,

Lindsey Snow, Leasing Branch Chief  
 253-326-6919

On Mar 21, 2018, at 4:26 PM, Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)> wrote:

Lindsey;

We would like to participate in the active procurement process for this lease.

We have not seen this advertised.

Has an RFQ been issued?

Thanks.

Dan  
 <image003.jpg>

**From:** Lindsey Snow - 10PRB <[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)>  
**Sent:** Wednesday, March 21, 2018 4:17 PM  
**To:** Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)>  
**Cc:** Craig Lewis <[clewis@mmdccompany.com](mailto:clewis@mmdccompany.com)>  
**Subject:** Re: Forest Service Lease Sandy, Oregon

Hi Dan,

Thanks for your inquiry. We are working on an active procurement to replace this lease.

Please let me know if you have additional questions.

Thank you,

Lindsey D. Snow  
 Branch Chief, Western Washington/Oregon  
 Lease Acquisition Officer  
 GSA Public Buildings Service, Leasing Division

400 15th Street SW  
Auburn, WA 98001  
253-931-7219 Office  
253-326-6919 Cell  
253-931-7384 Fax  
[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)

On Wed, Mar 21, 2018 at 3:40 PM, Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)> wrote:

Lindsey;

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I was calling to inquire about the Sandy, Oregon Forest Service lease.

We noticed the lease is due to expire October 2019 and wanted to know the future plans for this office requirement.

Craig Lewis and I actually pursued this requirement 20 years ago when the Forest Service located in Sandy.

We look forward to hearing from you about this requirement.

Thanks.

Dan

<image002.jpg>

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Message

**From:** Dan Petrusich [dpetrusich@mmdccompany.com]  
**Sent:** 4/10/2018 11:10:41 AM  
**To:** Craig Lewis [clewis@mmdccompany.com]; Joseph Petrusich [jpetrusich@mmdccompany.com]  
**Subject:** FW: Forest Service Lease Sandy, Oregon

---

**From:** Lindsey Snow - 10PRB <lindsey.snow@gsa.gov>  
**Sent:** Tuesday, April 10, 2018 10:17 AM  
**To:** Dan Petrusich <dpetrusich@mmdccompany.com>  
**Subject:** Re: Forest Service Lease Sandy, Oregon

Hi Dan,

Let's talk about what you have in mind. Please call.

Lindsey Snow, Leasing Branch Chief  
253-326-6919

On Mar 21, 2018, at 4:26 PM, Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)> wrote:

Lindsey;

We would like to participate in the active procurement process for this lease.

We have not seen this advertised.

Has an RFQ been issued?

Thanks.

Dan  
<image003.jpg>

**From:** Lindsey Snow - 10PRB <[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)>  
**Sent:** Wednesday, March 21, 2018 4:17 PM  
**To:** Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)>  
**Cc:** Craig Lewis <[clewis@mmdccompany.com](mailto:clewis@mmdccompany.com)>  
**Subject:** Re: Forest Service Lease Sandy, Oregon

Hi Dan,

Thanks for your inquiry. We are working on an active procurement to replace this lease.

Please let me know if you have additional questions.

Thank you,

Lindsey D. Snow  
Branch Chief, Western Washington/Oregon  
Lease Acquisition Officer  
GSA Public Buildings Service, Leasing Division



400 15th Street SW  
Auburn, WA 98001  
253-931-7219 Office  
253-326-6919 Cell  
253-931-7384 Fax  
[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)

On Wed, Mar 21, 2018 at 3:40 PM, Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)> wrote:

Lindsey;

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I was calling to inquire about the Sandy, Oregon Forest Service lease.

We noticed the lease is due to expire October 2019 and wanted to know the future plans for this office requirement.

Craig Lewis and I actually pursued this requirement 20 years ago when the Forest Service located in Sandy.

We look forward to hearing from you about this requirement.

Thanks.

Dan

<image002.jpg>

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## Message

**From:** Ann Langlais [alanglais@mmdccompany.com]  
**Sent:** 4/23/2018 1:59:21 PM  
**To:** Dan Petrusich [dpetrusich@mmdccompany.com]; Craig Lewis [clewis@mmdccompany.com]; Joseph Petrusich [jpetrusich@mmdccompany.com]  
**Subject:** RE: Forest Service Sandy/Estacada Ad attached

Please let me know if you would like me to set up a Word table in which to response, or a cover page, etc. Do we have photos or plans to pull into any kind of document?

~Ann



**Ann Langlais, Marketing & Office Coordinator**

D: 971-888-7535 | O: 971-266-5544

[alanglais@mmdccompany.com](mailto:alanglais@mmdccompany.com)

1705 SW Taylor, Suite 250, Portland, OR 97205

[www.MMDCCompany.com](http://www.MMDCCompany.com)

*Follow Us On:*



**From:** Dan Petrusich  
**Sent:** Monday, April 23, 2018 1:53 PM  
**To:** Craig Lewis <clewis@mmdccompany.com>; Joseph Petrusich <jpetrusich@mmdccompany.com>  
**Cc:** Ann Langlais <alanglais@mmdccompany.com>  
**Subject:** FW: Forest Service Sandy/Estacada Ad attached

We should respond to this ad by the end of the week.

**From:** Lindsey Snow - 10PRB <[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)>  
**Sent:** Tuesday, April 17, 2018 2:30 PM  
**To:** Dan Petrusich <[dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)>  
**Subject:** Fwd: Forest Service Sandy/Estacada Ad attached

Hi Dan,

Please see the attached ad for our requirement in Sandy/Estacada (also available on [www.fbo.gov](http://www.fbo.gov)). There may be an amendment to the ad to move up the expression of interest due date. If that occurs, we'll let you know.

If you are interested in responding to this need, please provide the information listed in the ad as soon as possible.

Thank you,

Lindsey D. Snow  
 Branch Chief, Western Washington/Oregon  
 Lease Acquisition Officer  
 GSA Public Buildings Service, Leasing Division  
 400 15th Street SW  
 Auburn, WA 98001  
 253-931-7219 Office  
 253-326-6919 Cell  
 253-931-7384 Fax  
[lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov)



## Message

**From:** Brian Redmon - PRAA-C [brian.redmon@gsa.gov]  
**Sent:** 8/15/2018 4:17:39 PM  
**To:** Dan Petrusich [dpetrusich@mmdccompany.com]; Craig Lewis [clewis@mmdccompany.com]  
**CC:** Eric Shreves [eric.shreves@gsa.gov]; Mark Carnese - PRAA-C [mark.carnese@gsa.gov]; Lindsey D. Snow [lindsey.snow@gsa.gov]; trex app [g-rex.file@gsa.gov]  
**Subject:** 4OR0231 - USFS - Sandy/Estacada - Request for Offer Revision Letter #1  
**Attachments:** Initial Offer Deficiency Letter - Sandy - USFS - 4OR0213 - 8-15-18.pdf

Hi Dan and Craig,

See attached for request for offer revision letter. Note that the due date is by as soon as possible. Please submit these items as you have them.

We would like to set up a call to discuss this letter. Can you please let me know when you have some time available the week of August 20th?

Thanks,

Brian Redmon, LEED GA  
 Account Director  
 Cushman & Wakefield, Broker Contractor for GSA  
 Direct: 303-729-2350  
 Mobile: 720-495-9911  
[Brian.Redmon@gsa.gov](mailto:Brian.Redmon@gsa.gov) (please note my new GSA email address)



8390 E. Crescent Parkway, Suite 450  
 Greenwood Village, CO 80111 | USA  
[www.cushmanwakefield.com](http://www.cushmanwakefield.com)

## Message

**From:** Craig Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a80c5467ebca46c792e4a4171bd4122c-clewis]  
on behalf of Craig Lewis  
**Sent:** 8/31/2018 4:03:56 PM  
**To:** 'Eric Shreves - 10PRAA' [eric.shreves@gsa.gov]; Brian Redmon - PRAA-C [brian.redmon@gsa.gov]  
**CC:** Dan Petrusich [dpetrusich@mmdccompany.com]; Lindsey Snow [lindsey.snow@gsa.gov]  
**BCC:** Ann Langlais [alanglais@mmdccompany.com]  
**Subject:** Revisions/Responses to 8/15/18 Deficiency Letter Sandy Forest Service  
**Attachments:** 8.15.18 Deficiency Ltr Response #1.pdf; Revised 8.31.18 Form 1364.pdf; Revised 8.31.18 Form 1364A.pdf; Sandy Completed Form 12000.pdf; Sandy Explanation of 19-20 Property Tax Estimate.pdf; Sandy Updated Parking Plan 8.30.18.pdf; Offeror Energy Efficiency Improvements.pdf; Sandy Tier 1 Seismic Report.pdf

**Flag:** Follow up

Hi Eric and Brian-

I will send these responses in two e mails. This first e mail has the revisions and clarifications. The second will have the PDFs and CAD files from the Test Fit.

We were able to meet with our contractor yesterday regarding phasing of the shell improvements and tenant improvements. It doesn't appear to us that moving the tenants out of the building while construction is underway would make good sense. We believe the temporary move out would be too long in duration for their comfort. We believe our plan to utilize the second floor as swing space would be less disruptive to the FS and the most efficient approach.

The seismic upgrade is probably the most involved component of the shell and TI construction. If it were only the ceilings that need modification, it might make sense to temporarily relocate the occupants. It also appears that decoupling the Shell and TI components would be more disruptive and draw out the construction duration. We would like to discuss in more detail with you next week, if possible. I will be back in the office on Thursday next week, so maybe we can touch bases then?

Have a great long weekend and we'll look forward to talking next week.

Thank you,

CL



**Craig Lewis, CCIM, Vice President**  
D: 971-888-7533 | C: 503-806-2074  
clewis@mmdccompany.com  
1705 SW Taylor, Suite 250, Portland, OR 97205  
www.MMDCCompany.com



## Appointment

**From:** eric.shreves@gsa.gov [eric.shreves@gsa.gov]  
**Sent:** 9/7/2018 12:19:19 PM  
**To:** eric.shreves@gsa.gov; R10-PBS-Portland - Bridgeline 503-326-7674  
 [gsa.gov\_3234463037363930323539303035363738383235373644433030354332303136@resource.calendar.google.com];  
 Craig Lewis [clewis@mmdccompany.com]; Dan Petrusich [dpetrusich@mmdccompany.com]; brian.redmon@gsa.gov;  
 susan.alexander@gsa.gov  
**CC:** lindsey.snow@gsa.gov  
**Subject:** Updated invitation with note: Sandy - Discuss Construction Phasing and Schedule Plan @ Wed Sep 19, 2018 1pm - 1:50pm  
 (PDT) (clewis@mmdccompany.com)  
**Attachments:** invite.ics  
**Location:** R10-PBS-Portland - Bridgeline 503-326-7674  
**Start:** 9/19/2018 1:00:00 PM  
**End:** 9/19/2018 1:50:00 PM  
**Show Time** Busy  
**As:**  
**Recurrence:** (none)

**This event has been changed with this note:**  
 "Reschedule request from Offeror"

[more details »](#)

### Sandy - Discuss Construction Phasing and Schedule Plan

**When** **Changed:** Wed Sep 19, 2018 1pm – 1:50pm Pacific Time - Los Angeles

**Where** R10-PBS-Portland - Bridgeline 503-326-7674 ([map](#))

**Calendar** clewis@mmdccompany.com

**Who**

- eric.shreves@gsa.gov - organizer
- clewis@mmdccompany.com
- dpetrusich@mmdccompany.com
- brian.redmon@gsa.gov
- susan.alexander@gsa.gov
- lindsey.snow@gsa.gov - optional

Discuss Proposed Design/Pricing/Construction Schedule with Phasing and Impact on USFS Operations. GC invited to call.

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account clewis@mmdccompany.com because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).







Message

---

**From:** Brian Redmon - PRAA-C [brian.redmon@gsa.gov]  
**Sent:** 10/19/2018 1:27:08 PM  
**To:** Dan Petrusich [dpetrusich@mmdccompany.com]; Craig Lewis [clewis@mmdccompany.com]  
**CC:** Eric Shreves [eric.shreves@gsa.gov]; Mark Carnese - PRAA-C [mark.carnese@gsa.gov]  
**Subject:** 4OR0231 - USFS - Sandy/Estacada - Revised Offer Deficiency Letter  
**Attachments:** image001.png; Rev Offer Def Letter -4OR0231 - USFS - Sandy, Estacada - 10-19-18.pdf

Hi Dan and Craig,

See attached for revised offer deficiency letter. Please have offer revisions submitted as soon as possible. Let's discuss as soon as possible, which may fit in with our next construction/phasing discussion.

Thanks,

Brian Redmon, LEED GA  
Account Director  
Cushman & Wakefield, Broker Contractor for GSA  
Direct: 303-729-2350  
Mobile: 720-495-9911  
[Brian.Redmon@gsa.gov](mailto:Brian.Redmon@gsa.gov) (please note my new GSA email address)

8390 E. Crescent Parkway, Suite 450  
Greenwood Village, CO 80111| USA  
[www.cushmanwakefield.com](http://www.cushmanwakefield.com)

## Appointment

**From:** Craig Lewis [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A80C5467EBCA46C792E4A4171BD4122C-CLEWIS]  
**Sent:** 10/22/2018 10:49:31 AM  
**To:** Dustin Johnson [dustinj@cidainc.com]  
**Subject:** FW: Updated invitation: Discuss Construction Phasing and Schedule Plan @ Mon Oct 22, 2018 11:30am - 12:20pm (PDT) (clewis@mmdccompany.com)  
**Attachments:** invite.ics  
**Location:** R10-PBS-Portland - Bridgeline 503-326-7674  
**Start:** 10/22/2018 11:30:00 AM  
**End:** 10/22/2018 12:20:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** eric.shreves@gsa.gov <eric.shreves@gsa.gov>  
**Sent:** Monday, October 1, 2018 1:35 PM  
**To:** eric.shreves@gsa.gov; R10-PBS-Portland - Bridgeline 503-326-7674; Craig Lewis; Dan Petrusich; brian.redmon@gsa.gov; susan.alexander@gsa.gov; brian.redmon@cushwake.com  
**Cc:** lindsey.snow@gsa.gov  
**Subject:** Updated invitation: Discuss Construction Phasing and Schedule Plan @ Mon Oct 22, 2018 11:30am - 12:20pm (PDT) (clewis@mmdccompany.com)  
**When:** Monday, October 22, 2018 11:30 AM-12:20 PM (UTC-08:00) Pacific Time (US & Canada).  
**Where:** R10-PBS-Portland - Bridgeline 503-326-7674

**This event has been changed.**

[more details »](#)

### Discuss Construction Phasing and Schedule Plan

**When** **Changed:** Mon Oct 22, 2018 11:30am – 12:20pm Pacific Time - Los Angeles  
**Where** R10-PBS-Portland - Bridgeline 503-326-7674 ([map](#))  
**Calendar** [clewis@mmdccompany.com](mailto:clewis@mmdccompany.com)  
**Who**

- [eric.shreves@gsa.gov](mailto:eric.shreves@gsa.gov) - organizer
- [clewis@mmdccompany.com](mailto:clewis@mmdccompany.com)
- [dpetrusich@mmdccompany.com](mailto:dpetrusich@mmdccompany.com)
- [brian.redmon@gsa.gov](mailto:brian.redmon@gsa.gov)
- [susan.alexander@gsa.gov](mailto:susan.alexander@gsa.gov)
- [brian.redmon@cushwake.com](mailto:brian.redmon@cushwake.com)
- [lindsey.snow@gsa.gov](mailto:lindsey.snow@gsa.gov) - optional

Discuss Proposed Design/Pricing/Construction Schedule with Phasing and Impact on USFS Operations. GC invited to call.

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account [clewis@mmdccompany.com](mailto:clewis@mmdccompany.com) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at

**EXHIBIT 5**  
**PAGE 20 OF 24**

MHC 00825

<https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).





## Message

**From:** Craig Lewis [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a80c5467ebca46c792e4a4171bd4122c-clewis]  
on behalf of Craig Lewis  
**Sent:** 12/10/2018 3:41:39 PM  
**To:** 'Eric Shreves - 10PRAA' [eric.shreves@gsa.gov]; Dan Petrusich [dpetrusich@mmdccompany.com]  
**CC:** Brian Redmon - PRAA-C [brian.redmon@gsa.gov]; Susan Alexander [susan.alexander@gsa.gov]  
**BCC:** Tim Sissel [Tim.Sissel@fortisconstruction.com]  
**Subject:** RE: Sandy: Move Related Issues to Resolve

**From:** Eric Shreves - 10PRAA <eric.shreves@gsa.gov>  
**Sent:** Monday, December 10, 2018 3:07 PM  
**To:** Craig Lewis <clewis@mmdccompany.com>; Dan Petrusich <dpetrusich@mmdccompany.com>  
**Cc:** Brian Redmon - PRAA-C <brian.redmon@gsa.gov>; Susan Alexander <susan.alexander@gsa.gov>  
**Subject:** Sandy: Move Related Issues to Resolve

Craig,

We are ready to issue our FPR letter but I want to make sure we are all on the same page with the Move scope to make sure you are accurately pricing and planning so we dont have confusion after final pricing is formulated.

We are assuming these move related costs will be included in your Shell pricing.

Eric,

Please see Lessor responses in RED

1. Agency requires use of a portion of the Parking lot to store fleet of vehicles and equipment. Is this an option?

1. We can develop some sort of Site Phasing Plan to ensure your crew would have access to make Site Alterations as needed, and store its own equipment and ensure site and property access.

2. We could also use an adjacent parking area if available.

We can accommodate a portion of the fleet vehicles and equipment. Do you know the approximate area required or number of vehicles? We would need an idea before we could confirm with certainty.

Personal Property Move: Agency assumes Blinds removed by Lessor, large dividing partition that is structurally mounted, and other similar major items but that Agency would remove minor personal property items and make available for storage by Lessor provided moving contractor.

Are the blinds being disposed of or reused? Same question on the dividing partition? Lessor cannot warrant either can be reinstalled without damage. Lessor cannot take responsibility for reused items. Lessor can remove items that will be disposed of during demolition.

2. Agency to leave Picnic Tables on the back patio

OK

3. Can Lessor provide moving boxes earlier than move. Preferably in early-to-mid January so the Agency has an early start?

Yes. Lessor can provide moving boxes after award.

4. Lessor to provide boxes/crates for moving

Yes. Lessor will provide boxes for moving

5. Lessor to provide storage space for personal property either in Warehouse, Storage Pods, or other designated area within premises at no additional cost to Government.

Yes. Lessor can provide storage for personal property. Please see # 6 below.

6. Lessor to relocate personal property, including furniture, to the storage area.

Yes. Lessor can relocate personal property to a secure area. Lessor cannot take responsibility for individual's personal items.

7. Employees pack and label boxes

Yes, that is what Lessor has assumed.

8. Employees are responsible for packing displays, pictures, and small personal property.

Yes, that is what Lessor has assumed.

9. Items in storage will not be accessible during construction

Yes, that is what Lessor has assumed.

10. Computers moved by employees.

Yes, that is what Lessor has assumed.

11. Lessor stores agency specified furniture but does not break down and reassemble.

Lessor will store specified furniture. Is this referring to work stations? Lessor can move the dismantled work stations but cannot take responsibility damage or inability to reassemble.

Thanks,

CL

--

Eric Shreves

Lease Contracting Officer

GSA Public Buildings Service, Leasing Division South, 10PRBB

620 SW Main Street; Room 108

Portland, Oregon 97205

Office: 503-326-6614

Mobile: 503-396-0235

Email: [eric.shreves@gsa.gov](mailto:eric.shreves@gsa.gov)